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The Secret Agenda Behind the Law of the Sea Treaty

The Bush Administration supports Senate ratification of the Law of the Sea Treaty (UNCLOS), a measure so extreme that former U.S. Ambassador to the U.N. Jeane Kirkpatrick said that it was viewed as the cornerstone of a Marxist-oriented New International Economic Order (NIEO). This was conceived as a scheme to transfer money and technology from the U.S. and other developed countries to the Third World.¹ Kirkpatrick strongly opposed ratification of UNCLOS.

The elements of a world government could be put in place if UNCLOS, described as the most comprehensive treaty ever² and a "Constitution of the Oceans,"³ is ratified and implemented.

At a time when conservatives and Republicans are raising concerns about activist judges on the national level who cite international law and foreign rulings in their opinions, UNCLOS will open the U.S. up to international lawsuits and climate change litigation, providing a back door for implementation of the unratified and costly global warming treaty.

This is because UNCLOS establishes a new international legal regime, including a new international court, to govern activities on, over, and under the world's oceans, seven-tenths of the world's surface. The provisions of the treaty would also permit international rules and regulations governing economic and

¹ The NIEO was endorsed in resolutions 3201 (S-VI) ,and 3202 (S-VI) adopted by the General Assembly of the United Nations (1 May 1974).

² In his book, *The Sovereignty Revolution*, written shortly before his death, Alan Cranston, the former Senator from California and former leader of the World Federalists, described UNCLOS as the "most far-reaching and comprehensive system created thus far by the global community..."

³ Described as such by the U.N. see:

<http://www.un.org/News/Press/docs/1999/19990716.SEA1619.html>

industrial activity on the remaining land area of the world in order to combat global warming and other perceived pollution dangers.

Our new report, “Bush-backed Law of the Sea Treaty a Trojan Horse for International Slip and Fall Lawyers,”⁴ describes precisely how radical activists intend to use UNCLOS to sue the United States on the grounds that the U.S. emits too many greenhouse gas emissions which they say have polluted the oceans of the world.

Therefore, a Senate decision to ratify the treaty is an open invitation to subject the U.S. to global litigation before domestic and international courts. The effect would be to raise energy prices on average Americans, undermine economic growth, restrict U.S. military activities around the world, and take decision-making authority away from our elected Representatives and Senators in the Congress and put it in the hands of global authorities.

Who is Behind the Treaty?

Elisabeth Mann Borgese, a world government activist, was described as the “Mother of the Oceans” or “First Lady of the Oceans” for her role in crafting and promoting UNCLOS.⁵ **She not only stated her admiration for Karl Marx, the father of communism, but was an ardent advocate of the New International Economic Order.**

Ironically, Borgese agreed with Kirkpatrick about UNCLOS being critical to the NIEO. In *The Oceanic Circle*, still available from the liberal Brookings Institution in Washington, D.C., Borgese wrote about how she and Arvid Pardo wrote a chapter for *Reshaping the International Order: A Report to the Club of Rome*, compiled under the direction of Jan Tinbergen.⁶ The Borgese-Pardo chapter was entitled, “The New International Economic Order and the Law of the Sea,” and “tried to indicate how the emerging law of the Sea Convention could reinforce the goals of the developing countries in a new international economic order.”⁷

⁴ <http://www.usasurvival.org/docs/los.pdf>

⁵ http://www.wagingpeace.org/articles/2002/02/00_krieger_borgese.htm

⁶ Tinbergen, winner of the 1969 Nobel Prize for Economics, wrote an article for the 1994 edition of the U.N.'s Human Development Report, in which he declared: “Mankind’s problems can no longer be solved by national governments. What is needed is a world government. This can best be achieved by strengthening the United Nations system.”

⁷ Elisabeth Mann Borgese, *The Oceanic Circle*, (United Nations University: Tokyo, 1998), page 7.



Socialist Elisabeth Mann Borgese: Mother of the Law of the Sea Treaty

Borgese identified several “major issues” on which UNCLOS and the NIEO “could reinforce each other.” These included:

- Probably the “most important [concept] of all” – UNCLOS’s recognition of the oceans being the “Common Heritage of Mankind,” thereby placing poor countries on an “equal” relationship with advanced countries and “a right to share in the resources that had been declared to be the Common Heritage of Mankind.”
- Creation of Exclusive Economic Zones, giving coastal states control “over all resources and economic uses in a 200-mile zone.”
- Establishment of the International Seabed Authority, giving developing countries a role in “financial decision-making” on a global level.

Yet some Senate Republicans, led by Richard Lugar (Ind.), ranking Republican on the Senate Foreign Relations Committee, support UNCLOS.

Academic and legal supporters of UNCLOS, such as John Norton Moore of the University of Virginia School of Law,⁸ frequently cite U.S. corporate support for the treaty but don’t try to refute the fact that members of the World Federalist Movement are strongly behind it because they had a major role in writing it.⁹

⁸ <http://www.law.virginia.edu/lawweb/faculty.nsf/FHPbl/1359>

⁹ Read his Senate Foreign Relations Testimony here:
<http://www.virginia.edu/colp/pdf/Foreign%20Relations%20Testimony.pdf>

For example, Louis Sohn, professor Emeritus of International Law at Harvard University, was a U.S. delegate to the Law of the Sea Conference and helped write the draft of the treaty. Sohn's material has been published in *Uniting the Peoples and Nations. Readings in World Federalism*. He and Grenville Clark wrote *World Peace Through World Law*, which called for the elimination of "all national armaments," creation of a World Police Force, and a United Nations Revenue System.¹⁰



Symbol of International Tribunal for the Law of the Sea

For her part, **Borgese didn't buy U.S. military arguments that UNCLOS guarantees freedom of navigation on the high seas.** In fact, her position was that "the doctrine of the freedom of the seas has been **replaced** by that of the common heritage of mankind" in the treaty.¹¹ Stated another way, the concept of "High Seas Freedom,"¹² she said, has been superseded by UNCLOS, which regulates access to the oceans in "the area beyond national jurisdiction."

In a January 1999 speech, Borgese declared, "The world ocean has been, and is, so to speak, **our great laboratory for the making of a new world order.** For a combination of reasons it was in the oceans, and only there, that we could introduce a series of **new concepts, principles and norms** which eventually will have to be applied to the world as a whole."¹³ (emphasis added).

In the World Federalist Association booklet, "The Genius of Federation: Why World Federation is The Answer to Global Problems," the group describes how UNCLOS and the International Criminal Court (ICC) are both important steps on the road to world government.

¹⁰ *Uniting the Peoples and Nations. Readings in World Federalism*. Compiled by Barbara Walker. (World Federalist Movement & World Federalist Association, 1993). Pages 292-298.

¹¹ Joseph Preston Baratta, *The Politics of World Federation: From World Federalism to Global Governance*, (Praeger: Westport, Connecticut, 2004), page 604.

¹² In *Mare Liberum* ("The Freedom of the Seas"), Hugo Grotius argued that the seas must be open to all. UNCLOS replaces this concept with international agencies, regulations and taxes.

¹³ <http://www.jmr.nmm.ac.uk/server?show=conJmrArticle.15&outputFormat=print>

It says that a “world federation,” a euphemism for world government, can be achieved by advancing “step by step toward global governance, using the U.N....Let the U.N. establish new agencies such as an International Criminal Court (which can try individuals for violations of international law) or a U.N. Arms Control and disarmament Agency (which can set up a program for arms reduction with certification capabilities and punishments for individuals who try to defy it.” The booklet goes on to say that **“An organization is already in the process of being developed to control the exploitation of ocean resources,** and similar agencies could be created to govern Antarctica and the moon.” (emphasis added). This is a reference to UNCLOS.

By adding more power, authority and functions to the United Nations, **“national sovereignty would be gradually eroded until it is no longer an issue.”**¹⁴

An official 1997 WFA publication declared:

“The final treaty marked real progress in establishing global governance by...stipulating that mining of the seabeds beyond national waters should require payment of royalties to the LOS [Law of the Sea] organization, thereby creating **a funding resource that would be independent of voluntary contributions by the treaty member nations. These are the elements of a limited world government** in a very restricted field that is nevertheless significant.” (emphasis added).¹⁵

Borgese’s role deserves special scrutiny. The youngest daughter of the German novelist Thomas Mann,¹⁶ Borgese was a member of the World Federalist Movement, openly favored world government, wrote for *The Nation* magazine, and was a member of a “Committee to Frame a World Constitution.” She served as Director of the International Center for Ocean Development and Chair of the International Oceans Institute at Dalhousie University in Canada and was Honorary President of World Federalists of Canada.

While she wrote books on animal intelligence, feminism and the oceans, the Canadian Broadcasting Corporation (CBC) reported that, “...the arc of her life has followed the trajectory of one large idea that has been current for a long time – the dream of peace on earth, a federation of nations, a common cause that might link humanity.”

¹⁴ The Genius of Federation: Why World Federation is The Answer To Global Problems, World Federalist Association, undated.

¹⁵ WFA 50. World Federalist Association. 1947-1997. Fiftieth Anniversary Historical Survey.

¹⁶ Asked by the CBC about the influence of her father, she said that, “I think that his evolution into a socialist humanist or humanist socialist certainly had an influence on me.” Mann himself was quoted as saying: “Every reasonable human being should be a moderate Socialist.”

The U.N. Environment Program (UNEP) noted that, “It was in 1967, while serving as a Fellow of the Centre for Democratic Institutions, that Professor Mann Borgese shifted her focus of attention to the law of the sea, which she recognized as an area of growing environmental crisis and **a possible test-bed for ideas she had developed concerning a common global constitution.**”¹⁷ The UNEP gave Borgese its “Environment Prize” in 1987.¹⁸

In her book, *The Oceanic Circle: Governing the Seas as a Global Resource*, she approvingly cites Karl Marx, the father of communism, as someone with “amazing foresight” about the problems faced by urban and rural societies. Drawing attention to what she called “sprawling megacities” and “decaying villages,” Borgese hailed Marx for urging the “gradual abolition of the distinction between town and country, by a more equitable distribution of the population over the country.”¹⁹

This plank of the Communist Manifesto has been implemented by Marxist and Communist groups over the course of history, with disastrous results. Forced relocations from the city to the country were a prominent feature of the Communist Khmer Rouge program in Cambodia. An estimated 2-3 million were murdered or starved to death as Cambodian cities were depopulated and the people were forced into collective farms and work camps.

In 1997, CBC broadcaster Philip Coulter interviewed Borgese in her Halifax home, where he “met one of the dogs she taught to play the piano,” and asked her the following:

Coulter: “When you look around at our society, coming towards the end of the millennium, we see a lot of elites, we see in a way a kind of triumphalism because of the decline of communism, basically the collapse of communism in the last 10 or 12 years. Do you see a drift back toward the elites”?

Borgese: “There is a strong trend toward that. Certainly the market economy strengthens the elites at the cost, the expense of the people, of the poor. But there is a strong counter-trend. It’s not called socialism, but it’s called sustainable development, which calls...for the eradication of poverty. There is that trend and that is the trend that I am working on.”²⁰

Hence, “sustainable development” is nothing more or less than a reformulated or modern version of socialism or communism. It has been embraced in various pronouncements by the U.N. and even the U.S. Government.

¹⁷ <http://www.unep.org/Documents/Default.Print.asp?DocumentID=235&ArticleID=3007>

¹⁸ <http://www.environmentawards.net/details.asp?cid=352>

¹⁹ Elisabeth Mann Borgese, *The Oceanic Circle: Governing the Seas as a Global Resource*, (United Nations University Press: Tokyo, 1998), page 21.

²⁰ CBC Radio IDEAS, Elisabeth Mann Borgese: The Dream of Common Cause, 1997.

Borgese was “a true citizen of the world” who “believed that, just as life had emerged from the oceans onto land, a new form of human and environmentally friendly world order could emerge from the oceans to the land.” She organized the conferences that “served to lay the foundation” for the United Nations Convention of the Law of the Sea.²¹

She is one of many world federalists identified by America’s Survival, Inc., (ASI) as being instrumental in crafting and lobbying for passage of UNCLOS over the course of decades.²² The group is sometimes regarded as small and without much influence, but the fact is that prominent personalities such as Walter Cronkite and former Republican Congressman John B. Anderson are world federalists, and President Clinton and then-First Lady Hillary Clinton endorsed the group’s activities during the time of the Clinton Administration.²³

Promoting Animal Rights

However, in a bizarre twist that raises even questions about her credibility and approach to world events, Borgese claims to have taught dogs how to play piano and type words on a typewriter. A Darwinian evolutionist,²⁴ her writings have been cited as evidence for the theory of animal rights.²⁵

ASI obtained tapes of the CBC interview with Borgese that explored her curious interest in animal intelligence. It turns out that one of her first books, *The White Snake*, was about research and studies into animal intelligence. The book, the CBC’s Philip Coulter said, also examined “her attempts to teach her English setter Arlie to communicate through typing.”

Coulter, interviewing Borgese in her home, identified two “dog pianos,” one constructed in California with only white keys, and one constructed in Nova Scotia with black keys and “a very large key board.” Borgese said, “My best pianist unfortunately died, two years ago,” referring to one of her dogs. She said she was “teaching new dogs” to play piano with their paws and noses.

She claimed to have also taught an earlier dog named Arlie to type on a special 17 key typewriter. She explained, “He took dictation, yes, he learned to write two letter words, three letter words, four letter words...I taught him first to distinguish his shapes, forms, one black dot from two black dots. Any animal can learn that. That way, I taught him letters. I

²¹ <http://www.library.dal.ca/archives/MS2/MS-2-744.htm#a1>

²² Our previous report, “Secret Agenda: Law of the Sea Treaty Will Provide Key ‘Elements’ of World Government,” is available at: <http://www.usasurvival.org/lost.shtml>

²³ Please see our special report on “Hillary Clinton’s Global Agenda” at <http://www.usasurvival.org/ck061903.shtml>

²⁴ “Life itself arose from the oceans,” states a U.N. website on UNCLOS. See: http://www.un.org/Depts/los/oceans_foundation.htm

²⁵ See, for example: <http://www.humboldt.edu/~phil/armstrong/SusansDissertation.pdf>

taught him to associate sound (and) sign.” She then sounded out “Ah Ah bb.”

Borgese claimed to have “taught him sequences” and “short words.” She added, however, that, “That does not mean that he knows what he was typing.” On the other hand, she added, “I know that there were a couple of cases where he did know what he was typing.”

She explained that, at the end of each lesson, Arlie used to go for a ride in the car. She would ask him, ““Arlie, where do you want to go?” and “he would type car.”

On one occasion, she claimed, “when he didn’t want to type,” he became “uncooperative” and typed “bad doog,” with two o’s. She explained, “He didn’t feel like doing his lesson.”

Praising the Koran and Karl Marx

Borgese was enthusiastic about Eastern religion and devotes several pages of her book, *The Oceanic Circle*, to Buddhist and Hindu economics. She also quotes the Koran and has another several pages on Islamic economics, saying:

“The Koran considers everything in nature the common property of all creatures.”²⁶

The idea of “common property” figures in the “common heritage” concept in UNCLOS.

From acceptance of the concept of “the common heritage of mankind,” Borgese figured that adoption of global taxes would follow. Gradually, she wrote, “a development tax might be levied on all commercial uses of the global commons, starting with the oceans...”²⁷

In the CBC interview, Borgese tried to pump new life into the Marxist concept of the New International Economic Order.

During a discussion of her book on feminism, *The Ascent of Woman*, and her belief in a “new society,” she asked, “Why did the movement toward a new international economic order fail? It failed because developing countries wanted

²⁶ Elisabeth Mann Borgese, *The Oceanic Circle*, (United Nations University: Tokyo, 1998), page 7.

²⁶ Ibid. page 99.

²⁷ Ibid. page 106.

really to become a part of the existing economic order. Whereas what they should have wanted was to change that order...**It failed not because it was too radical, it failed because it was not radical enough.**" (emphasis added).

The name of Elisabeth Mann Borgese is probably unknown to most backers and opponents of UNCLOS. But any analysis of the treaty and its impact has to take her life and influence over UNCLOS into account.

While she was described as the mother or First Lady of the Oceans, Borgese described Arvid Pardo as "the father of the Law of the Sea"²⁸ who proposed "a tax to be paid by States on the exploitation of natural resources within national ocean space." This concept, also embraced by Borgese, was incorporated in UNCLOS.²⁹

It was in 1967 that Pardo,³⁰ who became a Maltese delegate to the United Nations,³¹ proclaimed that the seas beyond national jurisdiction belong to "the common heritage of mankind." He declared that the poor of the world wanted a small percentage of the profits from undersea mining.³² This has been described by UNCLOS supporters as "visionary" and "prophetic."

Writing in *Foreign Affairs* in 1976, in an article entitled, "Who Will Own the Oceans?," John Temple Swing noted that, "Pardo's call-to-arms launched the international community as a late entry in the race for control of the oceans and their vast resources..."³³

In a 1995 speech, Senator Claiborne Pell, a strong U.N. supporter who carried a copy of the U.N. Charter, recognized the roles played by Pardo and Borgese in UNCLOS. Regarding the pact, Pell declared:

"The initial support for this idea was led by Arvid Pardo, Malta's delegate to the United Nations, with his famous 'Common Heritage of Mankind' speech before the United Nations General Assembly in

²⁸ Pardo "convinced the United Nations General Assembly to convene the Third United Nations Conference on the Law of the Sea." See: <http://www.coi.gov.cn/bbs/loi.htm> He was described as "one of the first employees of the United Nations." See: <http://www.una.ac.cr/loi/ambassadoreng.html>

²⁹ In its 1995 study, National Taxpayers, International Organizations: Sharing the Burden of Financing the United Nations, the pro-U.N. lobby group, the U.N. Association of the United States of America, said that the International Seabed Authority was unique among U.N. bodies: "Only the Seabed authority created by the U.N. Convention on the Law of the Sea, which entered into force in late 1994, has authority today to directly collect international revenue to finance its activities."

³⁰ He died in 1999.

³¹ He was an assistant to U.N. Secretary-General Dag Hammarskjold in 1954.

³² Described this way in a course on marine life. See: <http://www.mhhe.com/biosci/pae/sumich/chap15.mhtml>

³³ <http://www.foreignaffairs.org/19760401faessay10186/john-temple-swing/who-will-own-the-oceans.html>

1967. The Convention then became the interest of many people. I remember particularly the `Pacem in Maribus'--Peace on the Seas--meetings organized by Elizabeth Mann Borgese. Her book, *The Ocean Regime*, published in 1968, gave written expression to the ideas that were to gain a wider audience through *Pacem in Maribus*, **on their way to being embodied in the negotiated texts of the Law of the Sea Convention.**³⁴

Senator Christopher Dodd inserted the Pell speech into the Congressional Record.

Some have traced the “common heritage of Mankind” concept beyond Borgese and Pardo to Karl Marx, the father of communism, who³⁵ declared that “property is an instrument of the powerful” and that property should, therefore, be owned by the state.

What is beyond dispute is that the phrase, “common heritage of mankind,” is in the treaty and has been accepted by many.

“Words and phrases have great power over our perceptions,” notes Professor Myron J. Frankman, author of *World Democratic Federalism*.³⁶ “To make a logical connection is the easiest part of the task; to capture the imagination is the real challenge. **The phrase ‘Common Heritage of Mankind’ entered our vocabularies in the 1970s during the lengthy meetings of the United Nations Conference on the Law of the Seas.** The concern of the negotiators was to control the use of the seabed portion of the global commons and to provide for a sharing of revenues resulting from exploitation of our ‘Common Heritage.’ Control of resource use and sharing of potential revenues from the global commons have been the focal points in extensions that have been made of the Common Heritage principle to outer space, to the Moon, and to Antarctica (Ervin, 1984 and Herber, 1991).” (emphasis added).

The problem, he writes, is that, “The developing countries were optimistic that funds would flow to them as a result of these initiatives, but their patience has not yet been rewarded.”

³⁴ http://dodd.senate.gov/press/Speeches/104_95/0207.htm

³⁵ In an article on the “internationalist legacy” of the Manifesto of the Communist Party by Marx and Engels, Jose Manuel Pureza writes about “the transformatory impact brought about by the principle of the common legacy of humanity within international relations,” and points to Pardo’s 1967 U.N. speech as creating new “dynamics” within the international system. His speech, he writes, “led to calls for (or even the formal adoption of) international regimes for some communal natural resources (such as the ocean depths, the moon or certain cultural and environmental assets), based on an undifferentiated trans-spatial and trans-temporal concept of humanity.” See: <http://www.eurozine.com/article/2002-04-26-pureza-en.html>

³⁶ Frankman “brings together the case for global public finance, a single world currency and a planet-wide citizen’s income, all within the context of democratic federalism extending from the local to the global.” See: <http://www.palgrave.com/products/catalogue.aspx?is=1403934924>

The Role of the “Neptune Group”

The concept of the “common heritage of mankind” was inserted into the treaty through the efforts of Sam and Miriam Levering, left-wing Quakers and farmers who formed an NGO called the “Neptune Group” to lobby for the treaty over the course of decades. The Friends Committee on National Legislation reports, “During the 1970s, Sam and Miriam worked out of FCNL's office as they diligently and patiently advocated to keep the oceans part of ‘the common heritage of mankind’ and negotiated with governments on the treaty's final language.”³⁷

Significantly, FCNL reports that the Leverings “entered the fray in 1970 as Congress debated the Deep Seabed Hard Mineral Resources bill that promoted a nationalistic approach” to mining. The amazing story of their lobbying effort is told in the book, *Citizen Action for Global Change: The Neptune Group and the Law of the Sea* by Ralph B. Levering and Miriam L. Levering, Syracuse University Press, Syracuse, 1999.

The book describes how Sam and Miriam Levering decided decades ago that because most countries “strongly opposed giving the UN supreme power in the military area,” they had to work in “areas such as law of the sea that were less subject to appeals to compatriots based on fear and national pride than military security was.”³⁸

In other words, because the subject of the oceans seemed so divorced from traditional military matters and less controversial, there was more opportunity to use this issue to advance their cause of world government.

The Quakers are said to have enormous influence on the U.N. Randal Forsberg, one of the leaders of the discredited nuclear freeze movement, has said, “They have an office at the UN that hosts receptions for UN delegations regularly and has been doing so for 50 years and is quite influential. They also have an office in Geneva that does the same thing there, and they have a committee on national legislation in Washington as well as service committees that try to educate people around the country.”

Regarding UNCLOS, Forsberg associate Elise Boulding said, “Another thing we wouldn't have without NGOs is the law of the sea.” Noting the activities of the Leverings, she said, “The intense effort at the UN itself was backed up by efforts in national capitals. The work of NGOs occurred outside of all the formal procedures but was crucial to creating the outcome, the treaty itself.”³⁹

³⁷ http://www.fcnl.org/issues/item.php?item_id=814&issue_id=101

³⁸ Ralph B. Levering and Miriam L. Levering, *Citizen Action for Global Change. The Neptune Group and Law of the Sea*. (Syracuse University Press, 1999), page 9.

³⁹ http://www.brc21.org/ebrf_p2.html

FCNL, whose slogan is, “War is Not the Answer,” says, “We recognize the importance of treaties and covenants among nations as instruments of world order” and “We support the United Nations (UN) and its role in pursuing world order and peace.”⁴⁰

The FCNL gave Representative Barbara Lee (CA) a peace award in 2001 “for her courageous, solitary vote against authorization of a U.S. military invasion of Afghanistan.” It gave the same award to Senator Russ Feingold (Wis.) in 2003 for “casting the lone vote in the Senate against the USA Patriot Act and his opposition to the use of military force against Iraq.”

Some defenders of the pact say that it has been fixed or amended. But Borgese made it clear that key provisions of the treaty – never eliminated or altered by amendment -- would guarantee establishment of this “new world order.”

Foremost among these, she cited

- The International Seabed Authority, the “first institution to apply the economics of the Common Heritage in the No-man’s land of the deep ocean floor...”

She believed that the International Seabed Authority and coastal states could regulate “the routing, laying and the maintenance” of fiber optic cables on the ocean floor.⁴¹ This would include, she said, “the payment of fees for licences, property taxes for cable head-ends, etc. The Authority, at present, has no such powers, but clearly, it should have them.”

She added, “For the safety of the cables themselves, the Authority must ensure the avoidance of conflict of uses of the area, it must agree to the routing and know exactly where these cables are and be informed about their maintenance. In return for these regulatory activities the Authority would be entitled to some payments. A minimal tax, either in the form of a Tobin tax,⁴² let us say of 0.001 percent on the trillion dollar annual business transacted through the cables, crossing the Area which is the Common Heritage of Mankind would not only revitalize the Authority but change the whole picture of international development cooperation and constitute a first positive answer to the insistent call ‘by the World Bank, the United Nations system and the developing countries’ for ‘innovative ways’ of generating ‘new and additional funding’ to enable

⁴⁰ http://www.fcnl.org/legpolcy/sek_frewar.htm#build

⁴¹ Frank Gaffney of the Center for Security Policy points out that global fiber-optic networks are critical for the U.S. military “to transfer in a secure fashion immense quantities of video and other data in real-time to commanders and forces all over the world.”

⁴² This is a reference to the global tax named after the late Yale University economist James Tobin.

developing countries to implement all the Conventions, Agreements and programmes emanating from the Earth Summit of 1992.”

Borgese said that “a process of expansion and evolution of the Authority’s scope of activities has started” and that, “if the Sea-bed has become more important, the importance of the Sea-bed Authority must grow commensurably.”

Indeed, because of global litigation and the actions of domestic and international tribunals, UNCLOS itself could “grow” and could be used in a back-door effort to implement the unratified global warming treaty.

An official U.N. brochure for LOST states it plainly: “The greatest threat to the health of the marine environment comes not from oil spills at sea or ocean dumping, but from human activities on land.” It adds: “Oils from land-based sources, such as refined petroleum products or their derivatives, are equally harmful. They enter the marine environment by various routes from a variety of sources, including discharges and emissions from oil wells, refining and storage facilities, and from industrial and agricultural run-off. Ingested or absorbed through skin or gills, these oils are toxic to marine life and cause lasting damage to the fur and feathers of many marine species. They can also be harmful to human health, tainting seafood and contaminating water supplies.”⁴³

One former Law of the Sea Treaty negotiator told us:

There are a lot of pollution provisions in the convention. It sounds like they can do more with it than the negotiators intended. Since they didn’t get their global warming treaty (ratified by the U.S.), I worry about treaty provisions on emissions and anthropogenic (human-caused) inputs into the ocean that cause pollution. They could turn this into a global warming issue. Could they bring a case against us because we have pipes that put out sewage or air pollution that finds its way into the ocean?

But there is also a military component to the treaty.

“With its variants in many other languages,” Borgese wrote in a U.N. publication, “the expression ‘**He who rules the sea, rules the land**’ has been conventional wisdom, and naval battles have decided peoples’ destinies from Greek Antiquity to modern times.”⁴⁴

In this connection, Borgese believed that UNCLOS prohibits the ability of nuclear submarines to rove freely through the world’s oceans and

⁴³ Law of the Sea 20th Anniversary brochure.

<http://www.un.org/issues/docs/documents/losenbrch.asp>

⁴⁴ http://www.findarticles.com/p/articles/mi_m1310/is_1991_August-Sept/ai_11322532

that the measure could be used to “eliminate the nuclear denizens of the deep and to protect the oceans as our common global heritage.”

In an article co-authored with an international lawyer,⁴⁵ Borgese noted how UNCLOS stipulates that the oceans “**shall** be reserved for peaceful purposes.” (emphasis in original)⁴⁶ and that “any threat or use of force, inconsistent with the United Nations Charter, is prohibited.”⁴⁷

She added, “In 1982, when UNCLOS was opened for signature, it was not certain how this applied to the deployment of nuclear weapons. However, since then, the International Court of Justice, in its historic advisory opinion of 1996, determined that ‘the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict.’ **Nuclear weapons deployed on submarines are in a state of readiness to use and are thus a threat of use, according to the definition given by the ICJ, and illegal.**” (emphasis added).

“With respect to the transit of nuclear materials,” Borgese wrote, “UNCLOS provides some powers of protection to coastal states. More importantly, there have also been advances in international environmental law since UNCLOS was adopted, particularly in the strengthening of the precautionary principle, which holds that, when activities pose a significant risk to the environment and proponents of the activities cannot demonstrate an adequate level of protection from such risks, the activities should not proceed.”

Borgese’s article was written for the purpose of supporting a bill to extend New Zealand’s nuclear free legislation “to prohibit the transit of nuclear armed or propelled warships and transport of nuclear waste through the 200 mile Exclusive Economic Zone (EEZ)” granted to coastal states under UNCLOS.

David Krieger of the Nuclear Age Peace Foundation believes that **U.S. nuclear submarines could be banned from the oceans under UNCLOS** language recognizing “the concept of the oceans as the common heritage of [hu]mankind.” Going further, he says that, “Maintaining the oceans as a common heritage demands that the oceans be protected from contamination by nuclear pollutants; that they not be used in a manner to undermine basic human rights, particularly the rights to life and to a healthy environment; and that the oceans not be allowed to serve as a public preserve for those states that believe their own security interests demand the endangerment of global human survival.”⁴⁸

⁴⁵ Alyn Ware, former executive director, Lawyers Committee on Nuclear Policy

⁴⁶ Article 88, “Reservation of the high seas for peaceful purposes,” states that, “The high seas shall be reserved for peaceful purposes.”

⁴⁷ <http://www.disarmsecure.org/publications/papers/Denizens.html>

⁴⁸ http://www.wagingpeace.org/articles/1996/03/00_krieger_denuclearization-oceans.htm

The Irish Seas Nuclear Free Flotilla (ISNFF) protested a plutonium shipment from the U.S. bound for France that was due to pass within 150 miles of Ireland's south coast, "breaching the nation's Exclusive Economic Zone (EEZ) of 200 miles." The ISNFF cited the "landmark" U.N. Convention on the Law of the Sea treaty, signed by over 140 nations around the world including Ireland, France and the U.K., proclaiming "that a coastal state has sovereign rights, duties and jurisdiction within the 200-mile Exclusive Economic Zone for 'the protection and the preservation of the marine environment.'" In accord with this treaty, the NGO argued, "Ireland and other coastal nations have an obligation to prevent pollution to their coastal waters."⁴⁹

In the MOX case (Ireland v. United Kingdom), the International Tribunal for the Law of the Sea today ruled that "the duty to cooperate is a fundamental principle in the prevention of pollution of the marine environment under Part XII of the Convention..."⁵⁰ In the case, the Irish government used UNCLOS to try to stop the production of mixed oxide fuel (MOX) at the Sellafield nuclear plant in Britain. Ireland alleged that the UK failed to protect the marine environment from radiation resulting from the manufacture of MOX. The UK was ordered to cooperate fully with Ireland. Irish Environment Minister Martin Cullen declared, "We now have a UN referee overseeing the implementation of Britain's obligations."⁵¹

Leila Nadya Sadat, a professor law at Washington University in St. Louis, has cited the International Tribunal for the Law of the Sea as one of approximately 52 international courts and tribunals now producing judgments in the field of international law and adjudication. She calls this "an explosion."⁵² Sadat, who "has been very involved" in the effort to establish a permanent International Criminal Court (ICC),⁵³ criticized the U.S. for being "slow in ratifying important treaties," including UNCLOS.

But now, the Bush Administration is giving Sadat – and the pro-Marxist Borgese – their wish.

⁴⁹ <http://www.nuclearfreeflotilla.org/040924.htm>

⁵⁰ <http://www.ireland.com/newspaper/special/2001/moxplant/>

⁵¹ <http://www.ens-newswire.com/ens/jun2003/2003-06-26-04.asp>

⁵² http://law.wustl.edu/Academics/Faculty/Sadat/sadat_installation_speech_0904.pdf

⁵³ <http://law.wustl.edu/Academics/Faculty/Sadat/>

This shocking report reveals how and why:

- **The United Nations Convention on the Law of the Sea (UNCLOS) provides a back door for implementation of the unratified and costly global warming treaty.**
- **U.S. military activities could be banned from the oceans under UNCLOS.**
- **UNCLOS provides a dangerous precedent for global tax schemes.**
- **Radical left-wing activists, pacifists, and advocates of world government wrote the key provisions of UNCLOS.**
- **A key Marxist concept found its way into the treaty.**
- **Treaty advocates see UNCLOS as laying the groundwork for a global constitution.**

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